

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 813

Introduced by Senator Denham

(Coauthors: Assembly Members Aghazarian and Cogdill)

February 22, 2005

An act to ~~amend Section 17075.10 of~~ *add Section 17075.20* to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, as amended, Denham. School facilities: hardship assistance.

Existing law permits a school district to apply for hardship assistance in cases of extraordinary circumstances and requires the school district, in certain cases, to demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities.

This bill would require the State Allocation Board to review the adequacy of hardship funding available to school districts and to provide findings and recommendations to the Legislature by March 15, 2006, as specified.

~~This bill would specify that unusual circumstances may include substantial discrepancies between the apportionments made by the board and the bids received by the school district, if certain conditions apply. The bill would, in addition, permit the board to grant a supplemental apportionment to accommodate excessive costs relating to unusual circumstances, with certain requirements.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17075.20 is added to the Education
2 Code, to read:

3 17075.20. The board shall review the adequacy of hardship
4 funding available to school districts eligible pursuant to
5 paragraph (1) of subdivision (b) of Section 17075.10, and shall
6 provide findings and recommendations to the Legislature by
7 March 15, 2006, that will assist in achieving equity in the total
8 funds available for projects in school districts that both qualify
9 and do not qualify for hardship funding pursuant to paragraph
10 (1) of subdivision (b) of Section 17075.10.

11 ~~SECTION 1. Section 17075.10 of the Education Code is~~
12 ~~amended to read:~~

13 ~~17075.10. (a) A school district may apply for hardship~~
14 ~~assistance in cases of extraordinary circumstances.~~

15 ~~(b) A school district applying for hardship state funding under~~
16 ~~this article shall comply with either paragraph (1) or (2).~~

17 ~~(1) Demonstrate both of the following:~~

18 ~~(A) That due to extreme financial, disaster-related, or other~~
19 ~~hardship the school district has unmet need for pupil housing.~~

20 ~~(B) That the school district is not financially capable of~~
21 ~~providing the matching funds otherwise required for state~~
22 ~~participation, that the district has made all reasonable efforts to~~
23 ~~impose all levels of local debt capacity and development fees,~~
24 ~~and that the school district is, therefore, unable to participate in~~
25 ~~the program pursuant to this chapter except as set forth in this~~
26 ~~article.~~

27 ~~(2) Demonstrate that due to unusual circumstances that are~~
28 ~~beyond the control of the district, excessive costs need to be~~
29 ~~incurred in the construction of school facilities. Unusual~~
30 ~~circumstances may include, but are not limited to, substantial~~
31 ~~discrepancies between the apportionments made by the board and~~
32 ~~the bids received by the school district that cause the district to~~
33 ~~take one or both of the following actions:~~

34 ~~(A) Eliminate essential facilities from the new construction or~~
35 ~~modernization project.~~

36 ~~(B) Abandon plans for the new construction or modernization~~
37 ~~project that have been approved by the department and the~~
38 ~~Department of General Services.~~

1 ~~(e) (1) The board shall review the increased costs that may be~~
2 ~~uniquely associated with urban construction and shall adjust the~~
3 ~~per-pupil grant for new construction, or modernization, hardship~~
4 ~~applications as necessary to accommodate those costs.~~

5 ~~(2) With regard to a school district that meets the requirements~~
6 ~~of paragraph (2) of subdivision (b), the board shall review those~~
7 ~~unusual circumstances and may, notwithstanding the grant of a~~
8 ~~full and final apportionment for new construction or~~
9 ~~modernization, grant a supplemental apportionment to~~
10 ~~accommodate excessive costs relating to those unusual~~
11 ~~circumstances.~~

12 ~~(3) The board shall adopt regulations setting forth the~~
13 ~~standards, methodology, and a schedule of allowable~~
14 ~~adjustments, for the urban adjustment factor established pursuant~~
15 ~~to this subdivision.~~